

Application No.: 10/604,276
Amendment dated: March 23, 2009
Reply to Office Action of October 23, 2008
Attorney Docket No.: 21295.61

REMARKS/ARGUMENTS

Claims 1-12 are pending in this application.

Claims 1, 6, and 12 have been amended as indicated hereinabove.

Claims 6 and 8 had been rejected under 35 U.S.C. § 102(e) as being anticipated by Yamada et al., U.S. Patent Application Publication No. 2003/0132401 (hereinafter "Yamada").

Claims 1, 2, 5, 7, 11, and 12 had been rejected under 35 U.S.C. § 103(a) over Yamada and Elings et al., U.S. Patent No. 5,077,473 (hereinafter, "Elings").

Claims 3 and 4 had been rejected under 35 U.S.C. § 103(a) over Yamada, Elings, and Tsuneta et al., U.S. Patent No. 6,570,156 (hereinafter, "Tsuneta").

Claims 9 and 10 had been rejected under 35 U.S.C. § 103(a) over Yamada and Tsuneta.

These rejections are respectfully traversed for the following reasons.

Claims 1-12 comprise at least partially compensating for changes in the biological specimen using as a target for subsequent analysis the target information content corresponding to the biological specimen at a point in time before the analyzed image of the biological specimen is taken. For example, an image of the biological specimen at one point in time is analyzed, and the results of the analysis are compared with subsequent images of the biological specimen to send control signals to actuators to at least partially compensate for changes in the biological specimen.

Note that, contrary to Yamada, Elings, and Tsuneta, the analysis in Claims 1-12 is performed and the actuators are used to compensate for changes in the biological specimen, not the changes in the microscope equipment or the drift of the specimen within the microscope.

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In particular, Yamada describes adjusting microscope equipment for optimal handling of a biological specimen, which is presumed unchanging in time; while Elings and Tsuneta compensate for drift and other changes in microscope, not in the specimen under observation.

Furthermore, contrary to Yamada, Claims 1-12 cover microscopes for biological specimens, as opposed to wafers for manufacturing of chips, as in Yamada.

The aforementioned elements of Claims 1-12 are not taught or suggested in Yamada, Elings, Tsuneta, or their combination. Therefore, Claims 1-12 are patentable and nonobvious over Yamada, Elings, and Tsuneta under 35 U.S.C. § 103(a) and should be allowed.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited in this case. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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